MARKED-UP VERSION OF THE AMENDMENTS

IN THE CLAIMS:

Claims 20 and 39-45 have been amended as follows:

20. (Five Times Amended) A pharmaceutical composition for the treatment or the prevention of inflammation or inflammatory-related disorder, comprising total yeast ribonucleic acid and a pharmaceutically acceptable vehicle, carrier, or diluent, wherein ~~the composition~~ said ribonucleic acid comprises more than 14.5% by weight nitrogen and more than 8.5% by weight phosphorus.

39. (Twice Amended) The method of claim 1, wherein ~~the composition~~ said ribonucleic acid comprises at least about 14.7% by weight of nitrogen and at least about 8.6% by weight of phosphorus.

40. (Twice Amended) The method of claim 1, wherein ~~the composition~~ said ribonucleic acid comprises at least about 15.16% by weight of nitrogen and at least about 8.6% by weight of phosphorus.

41. (Twice Amended) The method of claim 1, wherein ~~the composition~~ said ribonucleic acid comprises at least about 15.49% by weight of nitrogen and at least about 9.05% by weight of phosphorus.

42. (Twice Amended) The method of claim 1, wherein ~~the composition~~ said ribonucleic acid comprises more than 15.0% by weight of nitrogen and more than 9.0% by weight of phosphorus.

43. (Twice Amended) The composition of claim 20, ~~comprising~~ wherein said ribonucleic acid comprises at least about 15.16% by weight of nitrogen and at least about 8.6% by weight of phosphorus.

44. (Twice Amended) The composition of claim 20, ~~comprising~~ wherein said ribonucleic acid comprises at least about 15.49% by weight of nitrogen and at least about 9.05% by weight of phosphorus.

45. (Twice Amended) The composition of claim 20, ~~comprising~~ wherein said ribonucleic acid comprises more than 15.0% by weight of nitrogen and more than 9.0% by weight of phosphorus.

REMARKS

By the present amendment, claims 20 and 39-45 have been amended to correct a definitional error. Specifically, the claims have been amended to specify that the nitrogen and phosphorus contents are those of the ribonucleic acid, not of the composition as a whole.

Applicant's representative apologizes for this error in the supplemental amendment filed on November 26, 2002.

Further, to explain the apparent inconsistency noted in the Office Communication dated March 12, 2003, it is submitted that the supplemental amendment filed on November 26, 2002 was incorrect only in that the marked-up version of the amendments did not show all the changes made to claims 20 and 55. Thus, in the marked-up version of amendments of the supplemental amendment filed on November 26, 2002, claims 20 and 55 should have been shown as follows:

> 20. (Four Times Amended, Correction) A pharmaceutical composition for the treatment or the prevention of inflammation or inflammatory-related disorder, comprising total yeast ribonucleic acid and a pharmaceutically acceptable vehicle, carrier, or diluent, wherein ~~said ribonucleic acid has a nitrogen content of at least 14.7% by weight and a phosphorus content of at least 8.6% by weight~~ the composition comprises more than 14.5% by weight nitrogen and more than 8.5% by weight phosphorus.
>
> 55. (Amended, Correction) A method for the prevention or treatment of inflammation or inflammatory-related disorder, comprising administering to a mammal in need of such treatment a composition comprising total yeast ribonucleic acid and a pharmaceutically acceptable vehicle, carrier, or diluent, said composition comprising said ribonucleic acid in an amount effective to ameliorate symptoms of inflammation or inflammatory-related disorder,

wherein said composition is administered so that said ribonucleic acid is present into the mammal's blood, and

wherein said ribonucleic acid has a nitrogen content of ~~at least 14.7%~~ more than 14.5% by weight and a phosphorus content of ~~at least8.6%~~ more than 8.5% by weight.

It is submitted that support for the nitrogen and phosphorus contents as modified in the supplemental amendment filed on November 26, 2002 is found in the original application, for example in original claims 10-11.

Again, Applicant's representative apologizes for the errors in the supplemental amendment of November 26, 2002, and any inconvenience or confusion they may have caused.

In summary, Applicant's submission with respect to the present claims is as follows:

Regarding claim 1, Applicant submits that the cited reference Kulkarni is limited to wound healing and is silent as to an anti-inflammatory effect of yeast RNA, so that there is no suggestion or motivation to address the non-wound types of inflammation-related disorders as recited in present claim 1.

Regarding claims 20 and 55, Applicant submits that none of the cited references suggests modifying a composition containing total yeast RNA to attain the specified nitrogen and phosphorus content, or using such a composition to address inflammation-related disorders. In particular, Kulkarni suggests that ribonucleic acid is effective even if it contains a substantial amounts of other nucleic acid. In contrast, the present inventor has discovered that the modification of the nitrogen and phosphorus content as recited in claims 20 and 55 provides unexpectedly improved effect on the inflammatory pathway.

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Thus, the remarks made in the supplemental amendment filed on November 26, 2002 are reaffirmed.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 01-2340.

Respectfully submitted,

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